

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In Re the Application of: |) | Group Art Unit: 3781 |
| Rieck, Hajo |) | Confirmation No.: 6760 |
| Serial No.: 10/541,845 |) | Examiner: Robin Annette Hylton |
| Filed: June 27, 2006 |) | <u>Petition to Withdraw Holding of</u> |
| Atty. File No.: 1604BPE-17-PUS |) | <u>Abandonment</u> |
| Entitled: <i>“Fixing the Position of a Pull-Tab with an Anti Rotation Bead Formed from the Panel”</i> |) | Electronically Submitted |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Abandonment mailed December 15, 2010, Applicant respectfully submits this Petition to Withdraw Holding of Abandonment pursuant to 37 C.F.R. §1.181(a) and MPEP §711.03(c). More specifically, the Office of Data Management has asserted that Applicant failed to timely pay the Issue and Publication Fees. It is respectfully asserted that the Notice of Allowance and Issue Fee Due (PTOL-85) was not received by Sheridan Ross P.C.

In support of the undersigned's position, a copy of the docket associated with the above-identified patent application is included herewith. More specifically, it is the procedure of Sheridan Ross P.C. to enter all incoming mail from the USPTO into a docketing system. Here, the Notice of Allowance is not found on the docket. Thus, it can be deduced that the Notice of Allowance was never received. Attached is an Affidavit signed by docketing specialist Ms. Denise Marsh, describing the standard mail intake procedure of Sheridan Ross P.C., and identify that the Notice of Allowance was never received.

The abandonment of the above-identified patent application came to light on December 15, 2010 during a routine status check of the file. A status check conducted on September 22, 2010 also did not reveal the Notice of Allowance, which provides further evidence that the Notice of Allowance was never received.

Further, on November 3, 2010, the Examiner and the undersigned discussed an Examiner's Amendment to place the application in condition for allowance. At no time during that conversation was the Notice of Allowance discussed. After the conversation, the undersigned provided suggested language to the Examiner to facilitate preparation of the Examiner's Amendment. Attached is an email from the Examiner regarding the proposed Amendments which contains no mention of the Notice of Allowance.

No fees are believed due for the filing of this Petition, however, the Examiner is authorized to charge Deposit Account No. 19-1970 if necessary. Further, in the event that a telephone conversation would expedite granting of this Petition, the Examiner is invited to contact the undersigned.

Respectfully submitted,

SHERIDAN ROSS P.C.

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Date: December 30, 2010